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10/809,008	03/25/2004	Bryan L. Dalton	LM(F)6-495 NP	7833
26294 7590 04/14/2009 TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P. 1300 EAST NINTH STREET, SUITE 1700 CLEVEVLAND, OH 44114				
EXAMINER				
NGUYEN, PHILLIP H				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/809,008

Applicant(s)

DALTON ET AL.

Examiner

Phillip H. Nguyen

Art Unit

2191

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-26 and 28-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-26 and 28-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. This action is in response to the amendment filed 12/17/2008.
2. Claims 21-26 and 28-38 remain pending in this application with claim 25 and 28-31 amended and claim 27 cancelled.

Response to Arguments

3. Applicant's arguments filed 12/17/2008 have been fully considered but they are not deemed persuasive.

Applicants argue:

1. Huang fails to teach a mobile device includes a User Role selection module.
2. Huang fails to teach installing a first set of software applications to replace a factory default software application.

Examiner respectfully disagrees:

1. Huang teaches in the background of his invention regarding an organization installing applications based on their employee roles (i.e. user roles). Huang teaches "*In an organizational setting, such as a corporation, an important issue in managing handheld devices is the distribution control of the applications to be installed in the handheld devices... It may be valuable that the sales department devices receive only the account management application, the factory devices receive only the machine*

operation applications, and the warehouse devices receive only the inventory control applications. **It may also be useful that, based on employee roles, devices belonging to different employees receive different sets of applications, matched to the employee's respective roles.** A manager's device, for example, may get an employee evaluation tool which is not distributed to an employee's device...At the user's discretion, a subset of these applications may be chosen for download to each handheld device" (see at least col. 1:27-50). Thus, in order to install applications onto a device based on employee roles, the device must store a user role/security/control list/policies/profile module to indicate employee's respective roles or for user to indicate his or her role in an organization in order to receive an application. Huang goes on to teach "An alternative way of distributing handheld application within an organization, is to have a centralized server that manages a user pool, a handheld device pool, and a application pool. To install an application, a handheld device must first connect to the network and make such a request directly to the centralized server. It is the server's responsibility to authenticate the handheld device and its user, to authorize the application **installation request based on the user profile (i.e. user role), the device usage, and a pre-configured access control policy**" (see col. 2:10-21). Again, Huang discusses of distributing handheld applications within an organization based on the employee roles. A user profile is stored at the handheld device indicate the user roles or allow the user to indicate his or her role in order to allow the distributing server to authenticate the user for installing handheld applications. Accordingly, if assuming it is not inherently included in Huang's invention, it would have been obvious to one having

an ordinary skill in the art at the time the invention was made to modify Huang's approach to incorporate the teaching in his background to distribute handheld applications onto the device based on the user respective roles.

2. Applications stored in the handheld devices are either factory default applications or applications that have been installed to replace the factory default applications. Almost every handheld device includes factory default applications for the basis operation. The organization and/or the user later time can replace the factory default applications with new versions. In fact, Huang teaches "an application list" that lists the applications that have been installed in the device, which definition include the factory default applications (see at least FIG. 3). Thus, Huang teaches installing a first set of software applications to replace a factory default software application.

Claim Rejections - 35 USC § 103

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 21-25, 27-30, 32-34, 36 and 38 is rejected under 35 U.S.C. 102(e)/103 as being anticipated by Huang et al. (USPN 6,553,375), in view of his Background Invention (hereinafter Background).

As per claims 21, 25 and 34:

Huang teaches

a software application for use with the mobile data acquisition device, the software application being located on a remote computer (see at least **FIG. 4**),

the remote computer transferring the software application from the remote computer to the mobile data acquisition device (see at least **FIG. 7**; also see at least col. 6, lines 25-31 "**...may download to the client device, based on the access control list 607 and the management policies, 1. a set of applications selected by the client, 2. a default set of applications that the client device does not have, and...**"), an application list module, and an application selection module (see at least **FIG. 3 "application list"** - the application list lists the available and enable applications at the device),

the remote computer installing and activating the software application for use by the mobile data acquisition device (see at least **FIG. 7**; also see at least col. 6, lines 25-31 "**...may download to the client device, based on the access control list 607 and the management policies, 1. a set of applications selected by the client, 2. a default set of applications that the client device does not have, and...**"), the software application being determined by a user and replacing a factory default software application (see at least col. 5, line 56 "**user selects applications to either delete or to download**" - the

software applications must be enabled/activated in order for the handheld device to use them).

Assuming Huang does not explicitly teach

the mobile data acquisition device comprising a User Role selection module.

However, Background teaches

the mobile data acquisition device comprising a User Role selection module (see arguments above).

Therefore, it would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify Huang's invention to incorporate the teaching of his background to store a user role module (i.e. user role/security/control list/policies/profile module) in the handheld device for installation purposes. The modification would have been obvious because it would allow the server to authenticate the user based on user roles and to install the handheld application to the handheld device based on the user roles.

As per claims 22, 28 and 36:

Huang further teaches

wherein the User Role selection module displays a list of User Roles for the user (*see the arguments above*).

As per claims 23 and 29:

Huang further teaches

wherein the application list module maintains a list of available software applications for the mobile data acquisition device (see at least col. 5, lines 54-55 **"the list applications 506 available for download from the server is displayed...user selects applications to either delete or to download"**).

As per claims 24 and 30:

Huang further teaches

wherein the application selection module maintains a list of enabled software applications for the mobile data acquisition devices (see at least **FIG. 3**).

As per claim 27:

Huang further teaches

wherein the mobile data acquisition device includes a User Role selection module, an application list module, and an application selection module (see at least **FIG. 3**).

As per claims 32 and 38:

Huang further teaches

wherein the remote computer maintains an application installation log for determining software applications enabled at a given time (see at least **FIG. 4** - "**access control list 407**").

As per claim 33:

Huang further teaches

wherein the remote computer requests an application activation file from the mobile data acquisition device (see at least col. 6, lines 9-10 "**the server determines whether the client device has an application list. If the client has an application list, the server retrieves**").

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 26, 31, 35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al. (USPN 6,553,375), in view of Poor et al. (USPN 7,123,933).

As per claims 26, 31, 35 and 37:

Huang teaches

wherein the remote computer is configured to disable the first set of applications and enables a second set of applications for the mobile data acquisition device, the second set of applications representing a second User Role.

However, Poor teaches

wherein the remote computer is configured to disable the first set of applications and enables a second set of applications for the mobile data acquisition device, the second set of applications representing a second User Role (see at least col. 3, lines 36-43 "***a remote device can transmit commands to the wireless device to install a program, uninstall a program, initialize a program, enable a program, disable a program,...***").

Therefore, it would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify Huang's approach to allow the remote computer to disable the program from the handheld device. One would have been motivated to modify in order to control the applications to be stored in the handheld devices based on the employee's respective roles in an organization.

Correspondence Information

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip H. Nguyen whose telephone number is (571) 270-1070. The examiner can normally be reached on Monday - Thursday 10:00 AM - 3:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PN
4/10/2009
/Wei Y Zhen/
Supervisory Patent Examiner, Art Unit 2191